

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE
ANTITRUST LITIGATION

Case No. [10-md-02143-RS](#)

SUMMARY OF RULINGS

Re: Dkt. Nos. 2332, 2341, 2346, 2373, 2375,
2379, 2383, 2398, 2419, 2453, 2457, 2459

SUMMARY OF RULINGS

Issued contemporaneously are six opinions pertaining to this matter. While well presented by all sides in this long-running and hotly contested litigation, Defendants ultimately prevail on their motions for summary judgment. As explained in more detail in each individual order, Plaintiffs have presented just enough evidence to show a genuine issue of material fact as to the existence of the conspiracy as charged. Each case fails, however, for lack of proof of causation and/or cognizable injury. With respect to the Acer plaintiffs and the Circuit City and Radio Shack trustees, their cases lack the necessary evidence of cognizable injury caused by the conspiracy. Indirect Purchaser Plaintiffs (“IPPs”) fail to present enough evidence to show a genuine issue of material fact as to their theory of pass-through of optical disc drive (“ODD”) overcharges underpinning their alleged injury. Several motions raise the same issues relevant to all actions, namely, the (1) applicability of the Foreign Trade Antitrust Improvements Act to Plaintiffs’ claims and (2) the vicarious liability of various parent companies for their corporate subsidiaries. Owing to the universality of those issues to these motions, each will be addressed in an omnibus order applicable to all matters.

While somewhat academic given the disposition of the motions for summary judgment, a


1 separate order denies Defendants' Motion for Decertification of the Indirect Purchaser Class on
2 the grounds that those arguments pertain to the merits of IPPs' pass-through theory and not the
3 suitability of that theory for class-wide adjudication. The final order grants in part and denies in
4 part the *Daubert* motions seeking to strike or exclude various expert testimony in the IPP and
5 Circuit City and Radio Shack trustee cases.

6 The complete list of orders is as follows:

- 7 1. Omnibus Order Regarding Issues Pertaining to Several Motions for Summary Judgment
8 [Re: Dkt. Nos. 2332, 2346, 2373, 2375, 2383, 2398]
- 9 2. Order Granting Summary Judgment Against Indirect Purchaser Plaintiffs
10 [Re: Dkt. Nos. 2341, 2373, 2375, 2383, 2398]
- 11 3. Order Granting Summary Judgment Against Acer Plaintiffs
12 [Re: Dkt. No. 2332]
- 13 4. Order Granting Summary Judgment Against Trustees of Circuit City and RadioShack
14 [Re: Dkt. No. 2346]
- 15 5. Order Denying Decertification of the Indirect Purchaser Plaintiff Class
16 [Re: Dkt. No. 2379]
- 17 6. Order Granting in Part and Denying in Part Motions to Strike or Exclude Expert
18 Testimony
19 [Re: Dkt. Nos. 2419, 2453, 2457, 2459]

20 **IT IS SO ORDERED.**

21 Dated: 12/18/17

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24 RICHARD SEEBORG
25 United States District Judge
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